

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SEAN F. MITCHELL,	:	
Plaintiff,	:	Case No. 2:05-cv-1009
v.	:	Judge Holschuh
MARK SAUNDERS, et al.,	:	Magistrate Judge Kemp
Defendants.	:	
	:	

ORDER

On March 24, 2006, Magistrate Judge Kemp issued a Report and Recommendation recommending that Defendants' motion to dismiss be granted and that Plaintiff's complaint be dismissed without prejudice. The Report and Recommendation advised the parties of their right to file objections within ten days and advised them that failure to file objections would result in a waiver of the right to have the district judge conduct a *de novo* review and a waiver of the right to appeal the decision adopting the Report and Recommendation. Plaintiff was served with a copy of that Report and Recommendation on March 29, 2006, but has failed to file any objections.

In reviewing the Report and Recommendation, the Court finds that the Magistrate Judge correctly applied the law. Therefore, pursuant to 28 U.S.C. § 636(b)(1)(C), the Court **ADOPTS** the March 24, 2006 Report and Recommendation (Record at 12), and **GRANTS** Defendants' motion to dismiss this case (Record at 10). The case is dismissed without prejudice.

IT IS SO ORDERED.

Date: April 24, 2006

/s/ John D. Holschuh
John D. Holschuh, Judge
United States District Court